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for the Third Circuit

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9-12-2007

## USA v. Ishola

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UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

NO. 07-2365

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UNITED STATES OF AMERICA

v.

KAZEEM ISHOLA,  
a/k/a  
JOHN ALEXANDER,  
a/k/a  
ROBERT HUTTON,  
a/k/a  
DANIEL LAROCHE

Kazeem Ishola,  
Appellant

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On Appeal From the United States District Court  
For the Middle District of Pennsylvania  
(D.C. Crim. No. 03-CR-00102)  
District Judge: Honorable William W. Caldwell

Submitted For Possible Summary Action Under Third Circuit LAR 27.4 and I.O.P. 10.6  
August 9, 2007

Before: MCKEE, FUENTES AND VAN ANTWERPEN, CIRCUIT JUDGES

(Filed: September 12, 2007)

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OPINION

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## PER CURIAM

Kazeem Ishola appeals from an order of the United States District Court for the Middle District of Pennsylvania, denying his petition for a writ of coram nobis. As the appeal presents no substantial question, we will summarily affirm the order of the District Court.

Following a guilty plea, Ishola was convicted of conspiracy to commit identification fraud pursuant to 18 U.S.C. §§ 1028(a)(7), (b)(2)(B) and (f) in January 2004. He did not file a direct appeal or a motion to vacate or set aside his sentence pursuant to 28 U.S.C. § 2255. In April 2007, Ishola filed a petition for a writ of error coram nobis. The District Court construed the petition as raising three claims: (1) the Government violated the plea agreement by not resolving who opened and obtained money from certain bank accounts; (2) Ishola's counsel, the prosecutor, and the Court overlooked the substantial assistance he provided in identifying the leader of the conspiracy; and (3) a possible argument that Ishola's substantial assistance warranted a reduction of sentence.

The District Court properly found that Ishola could seek relief using coram nobis, as he had served his sentence for the conviction, but was continuing to suffer continuing consequences. However, we agree with the District Court that because Ishola could have pursued his claims on direct appeal or in a motion filed pursuant to § 2255, he failed to show sound reasons for failing to seek relief earlier. Thus, Ishola did not meet the requirements for coram nobis relief. See United States v. Stoneman, 870 F.2d 102, 106

(3d Cir. 1989); United States v. Osser, 864 F.2d 1056, 1062 (3d Cir. 1988).

For the foregoing reasons, we will summarily affirm the order of the District Court.